



IPW
[Signature]

Docket No. 75723-ZB/JPW/GJG/CS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Baltimore et al.
Serial No.: 10/037,415 Examiner: D. Guzo
Filed : January 4, 2002 Group Art Unit: 1636
For : NUCLEAR FACTORS ASSOCIATED WITH TRANSCRIPTIONAL
REGULATION

30 Rockefeller Plaza
20th Floor
New York, New York 10112
February 6, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, Applicants direct the Examiner's attention to the following disclosures, which are also listed on the attached substitute Form PTO-1449 (**Exhibit A**).

The subject application is a continuation under 35 U.S.C. § 120 of U.S. Application No. 08/464,364, filed June 5, 1995, now U.S. Patent No. 6,410,516, issued June 25, 2002, now undergoing reexamination under Control Nos. 90/007,503 and 90/007,828 which have been previously disclosed and brought to the Examiner's attention in the subject application.

The copending U.S. Application No. 10/037,341, also a continuation under 35 U.S.C. § 120 of U.S. Application No. 08/464,364, has been previously disclosed and brought to the Examiner's attention in the subject application.

02/09/2009 MBELETE1 00000060 10037415

01 FC:1806

180.00 OP

Applicants: David Baltimore et al.
Serial No.: 10/037,415
Filed: January 4, 2002
Page 2 of 7 of Supplemental Information Disclosure Statement

Applicants note that items 1-17 listed herein were previously submitted to the U.S. Patent and Trademark in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828. They are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516 and its merged reexamination proceeding (*Ex Parte* Reexamination Control Nos. 90/007,503, filed April 4, 2005, and 90/007,828, filed December 2, 2005). Accordingly, copies of items 1-17 are not enclosed.

The Examiner is respectfully requested to make the items of record in the subject application by initialing and dating the attached substitute Form PTO-1449, and returning a copy of the initialed and dated form to Applicants' undersigned attorneys.

1. Joint Claim Construction Chart, filed in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259(MPT);
2. Deposition Transcript of Randolph Wall, Ph.D., pages 149-152, in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259(MPT);
3. Brief for Appellants, ARIAD, filed December 16, 2008 in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2009-1023;
4. Defendant Eli Lilly and Company's Motion in Limine to Exclude Adding Claim Limitations and Expert Testimony That Offers Construction of Claim Terms Inconsistent With

Applicants : David Baltimore et al.

Serial No. : 10/037,415

Filed : January 4, 2002

Page 3 of 7 of Supplemental Information Disclosure Statement

- the Court's Construction, filed February 24, 2006 in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v. Eli Lilly & Co.*, U.S. District Court for the District of Massachusetts, CA No. 02-CV-11280-RWZ;
5. Questions to the Jury on Special Verdict, dated April 28, 2006, in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v. Eli Lilly & Co.*, U.S. District Court for the District of Massachusetts, CA No. 02-CV-11280-RWZ;
 6. Reply Brief on Defendant-Appellant Eli Lilly and Company, filed November 12, 2008 in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v. Eli Lilly and Company*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2008-1248;
 7. Motion of Plaintiffs-Appellees, ARIAD, to Strike Extra-Record Materials From the Joint Appendix, filed December 23, 2008 in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v. Eli Lilly and Company*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2008-1248;
 8. Lilly's Opposition to ARIAD's Motion to Strike Materials From the Joint Appendix, filed January 9, 2009 in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v. Eli Lilly and Company*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2008-1248;
 9. ARIAD's Reply in Support of Motion to Strike Extra-Record Materials From the Joint Appendix, filed January 21, 2009 in the concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al. v. Eli Lilly and Company*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2008-1248;
 10. Declaration of Dr. Inder Verma, dated November 9, 2006;

Applicants : David Baltimore et al.

Serial No. : 10/037,415

Filed : January 4, 2002

Page 4 of 7 of Supplemental Information Disclosure Statement

11. Second Declaration of Dr. Inder Verma, dated October 19, 2007;
12. Final Office Action issued October 16, 2008 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828;
13. Response to October 16, 2008 Final Office Action, Summary of December 2, 2008 Examiner Interview, and Statement of Concurrent Proceedings Under 37 C.F.R. § 1.565, filed January 26, 2009 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828;
14. Third Declaration of Dr. Inder Verma, dated January 26, 2009;
15. Final Office Action issued June 26, 2008 in connection with U.S. Application No. 10/037,341;
16. Response to June 26, 2008 Final Office Action, Petition For Three-Month Extension of Time and Supplemental Information Disclosure Statement, filed December 24, 2008 in U.S. Application No. 10/037,341; and
17. Notice of Appeal, filed December 24, 2008 in U.S. Application No. 10/037,341.

Items 1-3 listed herein are part of a concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.* Items 4-9 are part of a concurrent litigation captioned *ARIAD Pharmaceuticals, Inc., et al., v. Eli Lilly and Co.* Both litigation proceedings involve U.S. Patent No. 6,410,516, which issued from a parent of the subject application. Items 10-14 are part of the merged reexamination of U.S. Patent No. 6,410,516, which issued from a parent of the subject application. Items 15-17 are part of the copending U.S. Application No. 10/037,341, a continuation from a parent of the subject application.

Applicants : David Baltimore et al.
Serial No. : 10/037,415
Filed : January 4, 2002
Page 5 of 7 of Supplemental Information Disclosure Statement

Items 1-5 and 7-9 were previously disclosed in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed January 26, 2009, in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 6 was previously disclosed in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed February 6, 2009, in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 10 was previously disclosed as Exhibit 1 in RESPONSE TO AUGUST 2, 2006 OFFICE ACTION, SUMMARY OF OCTOBER 13, 2006 EXAMINER INTERVIEW, STATEMENT OF CONCURRENT PROCEEDINGS UNDER 37 C.F.R. §1.565, AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed November 9, 2006, in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 11 was previously disclosed as Exhibit B in RESPONSE TO JULY 6, 2007 FINAL OFFICE ACTION, SUMMARY OF AUGUST 22, 2007 EXAMINER INTERVIEW, STATEMENT OF CONCURRENT PROCEEDINGS UNDER 37 C.F.R. §1.565, AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed October 22, 2007, in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 12 was issued October 16, 2008 in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 13 was filed January 26, 2009 in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 14 was previously disclosed as Exhibit 3 in RESPONSE TO OCTOBER 16, 2008 FINAL OFFICE ACTION, SUMMARY OF DECEMBER 2,

Applicants: David Baltimore et al.

Serial No.: 10/037,415

Filed : January 4, 2002

Page 6 of 7 of Supplemental Information Disclosure Statement

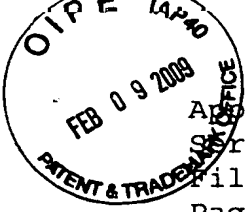
2008 EXAMINER INTERVIEW, AND STATEMENT OF CONCURRENT PROCEEDINGS UNDER 37 C.F.R. § 1.565, filed January 26, 2009, in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 15 was issued June 26, 2008 in connection with U.S. Application No. 10/037,341.

Items 16 and 17 were filed December 24, 2008 in connection with U.S. Application No. 10/037,341.

This Supplemental Information Disclosure Statement is being submitted under 37 C.F.R. §1.97(c)(2), before the mailing of a Final Office Action. Accordingly, Applicants enclose a check in the amount of ONE HUNDRED AND EIGHTY DOLLARS (\$180.00) for filing this Supplemental Information Disclosure Statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.



Applicants : David Baltimore et al.

Serial No. : 10/037,415

Filed : January 4, 2002

Page 7 of 7 of Supplemental Information Disclosure Statement

No fee, other than the enclosed \$180.00 fee for filing a Supplemental Information Disclosure Statement, is deemed necessary in connection with filing this Supplemental Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, New York 10112
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

John P. White
Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992

Date

EXHIBIT A

of Supplemental Information Disclosure Statement

Applicants: David Baltimore, et al.

Serial No.: 10/037,415

Filed: January 4, 2002

Group Art Unit: 1636

Examiner: D. Guzo